

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESAL PRICE LITIGATION

) MDL NO. 1456
) Civil Action No. 01-12257-PBS
) Subcategory No. 06-11337

THIS DOCUMENT RELATES TO:

United States ex rel. Ven-A-Care of the Florida Keys, Inc. v. Schering Corporation, Schering-Plough Corporation and Warrick Pharmaceuticals Corporation, Civil Action No. 09-CV-10547, and

*United States ex rel. Ven-A-Care of the Florida
Keys, Inc. v. Schering Corporation, Schering-Plough
Corporation and Warrick Pharmaceuticals
Corporation, Civil Action No. 00-CV-10698*

**PLAINTIFFS' NOTICE OF WITHDRAWAL OF OBJECTIONS TO SETTLEMENT
BETWEEN CALIFORNIA, FLORIDA, AND RELATOR VEN-A-CARE OF THE
FLORIDA KEYS ON BEHALF OF ITSELF AND THE UNITED STATES AND
SCHERING-PLOUGH, SCHERING AND WARRICK**

PLEASE TAKE NOTICE that, for the reasons set forth below, plaintiffs, the City of New York and New York Counties, hereby withdraw their Objections to the Settlement Between California, Florida, and Relator Ven-A-Care of the Florida Keys on Behalf of Itself and the United States and Schering-Plough, Schering and Warrick [Docket Nos. 6435 and 6502]. Plaintiffs withdraw their objections given the following: (a) the parties' Stipulation of Dismissal with Prejudice of Schering-Plough Corporation, Schering Corporation and Warrick Pharmaceuticals Corporation, filed December 7, 2009 (hereinafter referred to as "Stipulation of Dismissal") [Docket No. 6743]; (b) the parties' revised proposed order, annexed hereto as Exhibit A, which plaintiffs understand the parties are filing today with the Court, and which plaintiffs further understand replaces the previously filed proposed order attached as Exhibit B to

the Stipulation of Dismissal [Docket No. 6743]; and (c) the Department of Justice's consent to the settlement filed December 8, 2009 [Docket No. 6746].

Dated: December 11, 2009

Respectfully submitted,

**City of New York and New York Counties in
MDL 1456 except Nassau and Orange by**

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CERTIFICATE OF SERVICE

I, Kathryn B. Allen, hereby certify that I caused a true and correct copy of the foregoing to be served on counsel of record via electronic service pursuant to paragraph 11 of Case Management Order No. 2, by sending a copy to LexisNexis File and Serve for posting and notification to all parties.

Dated: December 11, 2009

/s/ Kathryn B. Allen
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